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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,791	07/14/2003	Shinjiro Hara	BD-0302T	4079

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EXAMINER

SEVERSON, JEREMY R

ART UNIT	PAPER NUMBER
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3653

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10/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/617,791

Applicant(s)

HARA ET AL.

Examiner

Jeremy Severson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,8 and 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8,11-20 and 23-30 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 7 August 2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "a medium support". It is unclear whether this is the same medium support recited in claim 13. The claims will be examined as best understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 6, 8, 11-20 and 23-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (JP 61-254430).

Regarding claim 1, Tanaka discloses a medium tray attachable to an image recording apparatus for feeding a record medium one by one and recording an image on said record medium, said medium tray comprising: a depository in which a plurality of said record media is loaded such that front and rear portions of said record media have different angles with respect to a feeding direction of said record media when said record media are in said depository, said depository including a medium support (1, 2) for placing the front portions of the record media and a rear guide (vertical wall at end of tray) extending upwardly from a rear end of the medium support for guiding the rear portions of the record media upwardly, said medium support protruding outside of the image recording apparatus from a side of the image recording apparatus to be exposed; and a folding member (7) provided at a rear portion of said depository for folding the record media so that the rear portions of the record media are folded toward the image recording apparatus with front side surfaces of the record media inward, said folding member being disposed at an upper portion of the rear guide, said folding member including a guide member for guiding the record media toward the image recording apparatus and pressing from above backside surfaces facing upward of the record media thus folded.

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Regarding claim 3, Tanaka discloses the medium tray according to claim 1, which further comprises a restricting member (4) arranged at said medium support or rear guide and restricting said record media put in said depository such that said record media are not spaced from said medium support or rear guide more than a predetermined distance and is transported along said medium support or rear guide when said record media are fed into said image recording apparatus.

Regarding claim 4, Tanaka discloses the medium tray according to claim 1, wherein said depository further comprises a curved section (4b₁) between said medium support and rear guide.

Regarding claim 6, Tanaka discloses the medium tray according to claim 1, wherein said folding member is composed of a restricting member (4) which restricts said record media put in said depository such that said record media are not spaced from said depository more than a predetermined distance and is transported along said depository when said record media are fed into said image recording apparatus, said restricting member extending toward the medium support.

Regarding claim 8, Tanaka discloses the medium tray according to claim 1, which further comprises at least one rear supporter (4) provided above said depository at a position closer to the image recording apparatus than that of the folding member for supporting the rear portions of said record media folded at said folding member.

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Regarding claim 11, Tanaka discloses the medium tray according to claim 1, further comprising at least one rear supporter (4) provided above the depository at a position closer to the image recording apparatus than that of the folding member for supporting the rear portion of the record medium folded at the folding member; wherein said at least one rear supporter holds said rear portion of said record medium such that the rear portion is rolled up.

Regarding claim 12, Tanaka discloses the medium tray according to claim 8, wherein said rear supporter is made of at least one shaft (of wheel 4c).

Regarding claim 13, Tanaka discloses a medium tray attachable to an image recording apparatus for feeding a record medium one by one and recording an image on said record medium, comprising: a depository in which a plurality of said record media is loaded such that front and rear portions of said record media have different angles with respect to a feeding direction of said record media when said record media are in said depository, said depository including a medium support (1, 2) for placing the front portions of the record media and a rear guide (vertical end of tray) extending upwardly from a rear end of the medium support for guiding the rear portions of the record media upwardly and pressing from above backside surfaces facing upward of the record media, said medium support protruding outside of the image recording apparatus from a side of the image recording apparatus to be exposed; and a folding member (7) provided at a rear portion of said depository such that rear portions of said record media in said depository are folded toward said image recording apparatus with upper surfaces of the record media inward, said folding member being disposed

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at an upper portion of the rear guide, said folding member being composed of said rear guide and an upper guide extending from a top end of said rear guide toward a main body of said image recording apparatus such that said upper guide covers said rear guide.

Regarding claim 14, Tanaka discloses the medium tray according to claim 13, wherein said upper guide can be opened or closed with a side of said main body of said image recording apparatus as a fulcrum. See rotatable member 8.

Regarding claim 15, Tanaka discloses the medium tray according to claim 13, wherein said upper guide comprises a rear supporter (4) disposed at a position closer to the image recording apparatus than that of the rear guide for supporting the rear portions of said record media put in said depository.

Regarding claim 16, Tanaka discloses the medium tray according to claim 13, wherein said depository comprises a medium support (1, 2) for placing the front portion of the record medium and a rear guide (vertical end of tray) extending upwardly from a rear end of the medium support for guiding the rear portion of the record medium upwardly, said folding member is composed of the rear guide and an upper guide (7) extending from a top end of the rear guide toward a main body of the image recording apparatus such that the upper guide covers the rear guide, said upper guide comprises a rear supporter (4) disposed at a position closer to the image recording apparatus than that of the rear guide for supporting the rear portion of the record medium placed in the depository, and said rear supporter holds said rear portion of said record medium such that the rear portion is rolled up by said rear supporter.

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Regarding claim 17, Tanaka discloses the medium tray according to claim 13, wherein said rear guide is made of at least one shaft (of wheel 4c).

Regarding claim 18, Tanaka discloses the medium tray according to claim 13, wherein said upper guide is made of at least one shaft (of wheel 4c).

Regarding claim 19, Tanaka discloses an image recording apparatus comprising said medium tray according to claim 1.

Regarding claim 20, Tanaka discloses an image recording apparatus comprising said medium tray according to claim 1, wherein the rear portions of said record media folded at said folding member are supported by an upper surface (4) of said image recording apparatus.

Regarding claim 23, Tanaka discloses the medium tray according to claim 11, wherein said at least one rear supporter is arranged to be rotatable around a fulcrum (shaft of 4c) provided on the medium support.

Regarding claim 24, Tanaka discloses the medium tray according to claim 23, wherein said at least one rear supporter is arranged to form an opening for receiving the rear portion of the record medium placed on the medium support when the at least one rear supporter opens. Member 8 is openable.

Regarding claim 25, Tanaka discloses the medium tray according to claim 16, wherein said at least one rear supporter is arranged to be rotatable around a fulcrum (fulcrum of wheel 4c) provided on the medium support.

Regarding claim 26, Tanaka discloses the medium tray according to claim 25, wherein said at least one rear supporter is arranged to form an opening for

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receiving the rear portion of the record medium placed on the medium support when the at least one rear supporter opens. Member 8 is openable.

Regarding claim 27, Tanaka discloses the medium tray according to claim 1, wherein said rear guide is made of at least one shaft (of wheel 4c).

Regarding claim 28, Tanaka discloses the medium tray according to claim 1, wherein said folding member includes an upper guide extending from an top end of the rear guide toward a main body of said image recording apparatus such that the upper guide covers the rear guide, said upper guide being made of at least one shaft (of member 8).

Regarding claim 29, Tanaka discloses a medium tray attachable to an image recording apparatus, comprising: a depository protruding outside of the image recording apparatus to be exposed for depositing a plurality of record media; and a folding member (7) provided at a rear portion of the depository, said folding member including a guide member for guiding rear portions of the record media to be folded toward the image recording apparatus with front side surfaces of the record media inward and pressing from above backside surfaces of the record media thus folded facing upward.

Regarding claim 30, Tanaka discloses the medium tray according to claim 29, further comprising at least one rear supporter (4) disposed at a position closer to the image recording apparatus than that of the folding member rear guide for supporting the rear portions of the record media.

Allowable Subject Matter

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Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Severson whose telephone number is (571)272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy Severson/
Examiner, Art Unit 3653

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653